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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/718,078      | 11/20/2003  | Michael A. Woodruff  | WDRFJ 100           | 8639             |

2555 7590 11/30/2004

KREMBLAS, FOSTER, PHILLIPS & POLLICK  
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REYNOLDSBURG, OH 43068

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| EXAMINER |
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SILBERMANN, JOANNE

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3611

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                      |   |
|------------------------------|-------------------------------|--------------------------------------|---|
| <b>Office Action Summary</b> | Application No.<br>10/718,078 | Applicant(s)<br>WOODRUFF, MICHAEL A. |   |
|                              | Examiner<br>Joanne Silbermann | Art Unit<br>3611                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 8, 12, 13 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 8, 12, 13 and 21 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the telephone conversation with Jason Foster.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al. US #6,013,346 (Lewis).

4. Lewis discloses a display device comprising power supply (batteries) 28, light source (one or more LEDs) 26, switch 44 (column 3 line 57) and mounting film 12. The mounting film has two major surfaces and includes adhesive 18 on one for mounting to a substrate.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, 9-11, 14-20 and 22-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis.

7. Lewis does not teach using static cling to mount the device, however, static cling is a well known, equivalent alternative to adhesive. It would have been obvious to a person having ordinary skill in the art to utilize static cling to mount the device if it is intended to be mounted on a glass or other smooth substrate.

8. Lewis also teaches indicia (alphanumeric characters) printed on the surface opposite the adhesive (column 3 lines 9-16). The film is colored white and the indicia are opaque. The illumination assembly includes a housing, as provided by IC 46, and is attached by means of the adhesive (Figure 1). The mounting film is a substantially planar sheet with peripheral edges that extend beyond the illumination assembly.

9. Lewis does not particularly teach methods for using the device, however, the method steps of the instant claims would have been obvious to one of ordinary skill in the art given the structure of Lewis.

10. Lewis also does not teach the film as being transparent or translucent, however, such displays are old and well known in the art. It would have been obvious to one of ordinary skill to utilize such films if it is so desired to create a different type of display.

11. Lewis does not teach using a transducer or alternating current as a power source, however, these are well known in the art. It would have been obvious to utilize either of these as an equivalent, alternative source of power for the display.

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12. Lewis does not teach an automatic, programmable, photo sensing or motion sensing switch, however, these are all considered to be equivalent alternatives and would have been obvious to one of ordinary skill in the art.

13. Lewis does not teach mounting the display on a window, wall, or mirror, however, the examiner takes official notice of displays mounted in windows, on walls, and on mirrors. It would have been obvious to one of ordinary skill to mount a display in a window (using static cling or adhesive, as discussed above) so that the display may be easily seen. The examiner also takes official notice of windows that are straight up (as in a store) and those that are angled (as a car's windshield). It also would have been obvious to mount the display on a wall or mirror or anywhere the target audience will most easily see it.

### ***Conclusion***

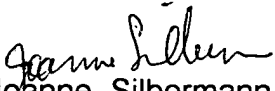
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 5985382, 4439818, 5970638, 6663063 and 5471773 and UK application 2231551 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joanne Silberman  
Primary Examiner  
Art Unit 3611

JS